



Title: 19

Ordinance No: 11-16-20-061

Date: 11-16-2020

**ORDINANCE
for the
ADOPTION of the 2018
INTERNATIONAL RESIDENTIAL CODE**

DESCRIPTION: An Ordinance of the Town of Cheswold adopting the 2018 edition of the *International Residential Code*, providing for the issuance of permits and collection of fees therefor; related to residential construction and maintenance and repealing all other Ordinances and parts of Ordinances in conflict therewith, except for those of the State of Delaware and/or Kent County and/or the Land Use Ordinance and Comprehensive Plan of the Town of Cheswold, which shall have precedence in perpetuity.

Section 1. PURPOSE

This Ordinance and the 2018 edition of the International Residential Code provides for the standards for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings, (townhouses), not more than three stories in height with separate means of egress as herein provided; and provides for the issuance of permits and collection of fees therefor.

Section 2. AUTHORITY to ACT

The Town Council of the Town of Cheswold has been vested with all the power possible for a municipal corporation to have under the Constitution and laws of the State of Delaware, as specified by Section 4. Powers of the Town of the Town Charter and specifically with the ability to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants.

ADOPTION of THE 2018 INTERNATIONAL RESIDENTIAL CODE

Section 3. APPLICABILITY

This Ordinance, No 11-16-2020-061, shall apply except where it may conflict with the Building Ordinances, codes, statutes, rules and regulations, set forth by the State of Delaware and/or Kent County and/or the Land Use Ordinance and/or Comprehensive Plan of the Town of Cheswold, in which case the Ordinances, codes, statutes, rules and regulations of the State of Delaware and/or Kent County and/or the Land Use Ordinance and/or Comprehensive Plan of the Town of Cheswold shall apply, as applicable to the situation.

Section 4. DEFINITIONS

All applicable definitions may be found in the 2018 edition of the *International Residential Code*.

Section 5. The Town Council of the Town of Cheswold does ordain as follows:

That a certain document, a copy of which are on file in the office of the Code Enforcement Officer of the Town of Cheswold, being marked and designated as the *International Residential Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of the Town of Cheswold, in the State of Delaware for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings, (townhouses), not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town of Cheswold are hereby referred to, adopted and made a part thereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section 6. ADDITIONS; INSERTIONS; DELETIONS; MODIFICATIONS; CHANGES

The following sections are hereby modified as follows:

a. Section 301. (Climate and geographic design criteria) – Fill in chart as follows:

Ground snow load 25

Wind Design

Speed (mph)(V_{asd} / V_{ult})

89/115 3-second gust

Topographic effects No

Special Wind Region No

ADOPTION of THE 2018 INTERNATIONAL RESIDENTIAL CODE

a. Section 301. "continued"

Seismic Design Category	A
Subject to Damage From	
Weathering	Severe
Frost line depth	24"
Termite	Moderate to heavy
Winter Design Temp	14 deg. F
Ice barrier underlayment required	No
Flood Hazards	June 1, 1977
Air freezing index	250
Mean Annual Temp.	55.7
Assumed soil bearing	2000 psf
Elevation	30'
Latitude	N3854
Winter Heating	18°F
Summer Cooling	90°F
Altitude Correction Factor	N/A
Indoor Design Temp.	72°F
Design Temp. Cooling	75°F
Heating Temp. Difference	54°F
Cooling Temp. Difference	15°F
Wind Velocity Heating	N/A
Wind Velocity Cooling	N/A
Daily Range	L
Winter Humidity	50%
Summer Humidity	50%

b. 311.7.5 Stair treads and risers— R311.7.5 Stair treads and risers. Stair treads and risers shall meet the requirements of this section. For the purposes of this section all dimensions and dimensioned surfaces shall be exclusive of carpets, rugs or runners.

c. R311.7.5.1 Risers. Replace 7¾ inches (196 mm) with 8¼inches (209.6 mm).

d. R311.7.5.2 Treads. Replace 10 inches (254 mm) with 9 inches (229 mm).

ADOPTION of THE 2018 INTERNATIONAL RESIDENTIAL CODE

Section 301. "continued"

- e. 313 Automatic Fire Sprinkler systems** – delete in its entirety
 - f. Add section 614 (Pole Buildings)** - refer to current adopted Kent County Supplement to the 2012 International Building Code and 2012 International Residential Code
 - g. Add section 615 (Pole Buildings)** - refer to current adopted Kent County Supplement to the 2012 International Building Code and 2012 International Residential Code
 - h. Add section 616 (Pole Buildings)** - refer to current adopted Kent County Supplement to the 2012 International Building Code and 2012 International Residential Code
 - i. Add section 617 (Pole Buildings)** - refer to current adopted Kent County Supplement to the 2012 International Building Code and 2012 International Residential Code
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- j. Chapter 11 Energy Efficiency**– delete in its entirety; refer to current adopted State Energy Code
 - k. Part V – Mechanical (Chapters 12 through 23)** – Deleted in their entirety by way of DE Title 24, Chapter 1806. (This reference adopts the 2015 IPC, IMC and IFGC for all installations in the State of Delaware.)
 - l. Part VI – Fuel Gas (Chapter 24)** - Deleted in its entirety by way of DE Title 24, Chapter 1806. (This reference adopts the 2015 IPC, IMC and IFGC for all installations in the State of Delaware.)
 - m. Part VII – Plumbing (Chapters 25 through 33)** - Deleted in their entirety by way of DE Title 24, Chapter 1806. (This reference adopts the 2015 IPC, IMC and IFGC for all installations in the State of Delaware.)
 - n. Part VII - Chapters 34 through 43 (Electrical)** - deleted in their entirety; refer to current adopted State Electrical Code by way of the Office of the State Fire Marshal.

ADOPTION of THE 2018 INTERNATIONAL RESIDENTIAL CODE

Section 7. VALIDITY

That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance, and each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 8. LEGAL RIGHTS

That nothing in this Ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 9. POSTING

~~That the Town Clerk and/or Secretary/Treasurer is hereby ordered and directed to cause this Ordinance to be published by posting on the Town bulletin board, Town website and local Post Office, for a period no less than 10 business days.~~

Section 10. EFFECTIVE DATE

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect, from and after the date of its final passage and adoption. Subsequent revisions shall take effect and be in full force and effect upon the date of its final passage and adoption.

Ordinance No. 11-16-20-061, entitled, Adoption of the 2018 International Residential Code – was presented for public comment at a Public Hearing meeting, held at 6:00 p.m., on Monday, January 4, 2021, at 6:00 p.m., during a Virtual Zoom Meeting in Cheswold, Delaware, 19936.

**ADOPTION of THE 2018
INTERNATIONAL RESIDENTIAL CODE**

I, Larence Kirby, Mayor, do hereby certify that the foregoing is a true and correct copy of the Ordinance duly adopted by a majority vote of all properly sworn quorum of members of the Cheswold Town Council, who were present and voting throughout, on January 4, 2021, at the monthly Cheswold Town Council meeting, held at 6:30 p.m., via virtual ZOOM meeting held in Cheswold, Delaware.

Certified: _____


Mayor Larence Kirby

Date: January 4, 2021

ATTEST: _____


Secretary/Treasurer Theon E. Callender

Date: January 4, 2021

Agreed: _____


Vice-Mayor Santo Faronca

Date: January 4, 2021

Agreed: _____

Absent
Councilperson Judith Johnson

Date: January 4, 2021

Agreed: _____


Councilperson Mark Moxley

Date: January 4, 2021

Agreed: _____


Councilperson Michael Wysong

Date: January 4, 2021

NOTARIZED: _____


Town Clerk Shadina Jones

Date: January 4, 2021



Ordinance No: 11-16-20-060

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INTERNATIONAL RESIDENTIAL CODE**

Sponsored by: David Naples, MCP
Town of Cheswold Building Inspector

Date: November 16, 2020

REVISION LOG

<u>Revision- Date</u>	<u>REVISION REASON</u>

Ordinance No: 11-16-20-060

Date: 11-16-2020

Page 7 of 7

TOWN of CHESWOLD
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